

Court of Appeals, Division One**Civil Appeal****1 CA-CV 14-0500****PAWN 1ST v. PHOENIX et al.****Appellate Case Information**

Case Filed: 5-Aug-2014

Case Closed: 10-Sep-2014

Reinstated x 1: 21-Oct-2014 Abandoned

Re-Closed: 13-Dec-2016

Dept/Composition**Department E**

Hon. Margaret H Downie

Hon. Patricia A Orozco

Hon. Maurice Portley

Side 1. PAWN 1ST, LLC, an Arizona limited liability company, Plaintiff/Appellant**(Litigant Group) PAWN 1ST**

- Pawn 1st LLC

Attorneys for: Plaintiff/Appellant

Thomas M Baker, Esq. (AZ Bar No. 13475)

Side 2. CITY OF PHOENIX, a political subdivision of the State of Arizona; BOARD OF ADJUSTMENT OF THE CITY OF PHOENIX; and BOB FORD; EMILIO GAYNOR; PATRICK PAUL; ALEX TAUBER; YVONNE HUNTER; BETTINA NAVA; and EMILY RYAN, as members of and constituting the Board of Adjustment of the City of Phoenix,**Defendants/Appellees,****WILLIAM JACHIMEK dba CENTRAL PAWN,****Real Party in Interest/Appellee, Defendant/Appellee****(Litigant Group) CITY OF PHOENIX et al.**

- City of Phoenix
- City of Phoenix Board of Adjustment
- Bob Ford
- Emilio Gaynor
- Patrick Paul
- Alex Tauber
- Yvonne Hunter
- Bettina Nava
- Emily Ryan

Attorneys for: Defendants/Appellees Phoenix et al.

Daniel L Brown, Esq. (AZ Bar No. 13778)

Robert A Hyde, Esq. (AZ Bar No. 29337)

Paul M Li, Esq. (AZ Bar No. 21893)

(Litigant Group) WILLIAM JACHIMEK dba CENTRAL PAWN,

- William George Jachimek

Attorneys for: Defendant/Appellee Jachimek

James O Bell, Esq. (AZ Bar No. 23584)

CASE STATUS

Dec 23, 2016....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR LC2010-000701-001	Special Action Review of Administrative Decision		Lisa Daniel Flores, Authoring Judge of Order		

DESCENDENT CASE (S)

ASC CV-16-0107-PR

CASE DECISION**12-Apr-2016 OPINION**

Patricia Orozco.....Author

Margaret Downie.....Concur

Maurice Portley.....Concur

Filed: 12-Apr-2016

Mandate:

Decision Disposition

**Reversed
Remanded**

Court of Appeals, Division One**Civil Appeal****1 CA-CV 14-0500****PAWN 1ST v. PHOENIX et al.****49 PROCEEDING ENTRIES**

1. 5-Aug-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/27/14
Bond filed in Superior Court: 6/30/14
Docketing Statement filed in Superior Court: None
2. 5-Aug-2014 FILED: e-Record on Appeal:
Instruments/Minute Entries
3. 13-Aug-2014 FILED: Notice to Counsel re: Appellant's Fee/Brief Due
4. 10-Sep-2014 FILED: Letter, 9/10/14, to Clerk, Maricopa County Superior Court, Re: Pursuant to A.R.S. 12-322A appeal shall be deemed abandoned. No record to be returned.
5. 25-Sep-2014 FILED: Appellant's Motion to Reinstate Appeal and for an Extension of Time to File Opening Brief; Certificate of Service (Appellant)
6. 25-Sep-2014 FILED: Civil Appeals Docketing Statement; Certification of Service; Minute Entry; Judgment (Appellant)
7. 1-Oct-2014 RECEIPT No.: 2014-01222 ; \$280.00, Authorization: #73020415423, Applied to: PAWN 1ST - Class A Filing Fee (\$280.00) Paid for: Baker & Baker - By Integrated Resource
8. 17-Oct-2014 FILED: Real Party In Interest/Appellee's Opposition to Motion to Reinstate Appeal and Extend Time to File Opening Brief; Certificate of Service Re: Real Party In Interest/Appellee's Opposition to Motion to Reinstate Appeal and Extend Time to File Opening Brief (Real Party in Interest)
9. 21-Oct-2014 ORDERED: Appellant's Motion to Reinstate Appeal and for an Extension of Time to File Opening Brief = GRANTED. FURTHER ORDERED: staying this appeal to and including 12/8/14, and revesting jurisdiction in the superior court to consider application by appellant for a signed judgement with a certification of finality pursuant to Rule 54(c). FURTHER ORDERED: superior court shall rule on application in furtherance of appeal. FURTHER ORDERED: if the appeal has not been reinstated by the filing of a signed judgment with reference to Rule 54(c) by 12/8/14, appellant shall file request to continue stay. If appellant does not file request to continue stay, appeal may be dismissed without further notice. FURTHER ORDERED: if signed judgment has been filed prior to the reinstatement date, the opening brief shall be due on 1/7/15. Melina Brill ProTem Judge - Author
10. 24-Oct-2014 RECEIPT No.: 2014-01322 ; \$140.00, Authorization: #96009880160, Applied to: WILLIAM JACHIMEK dba CENTRAL PAWN, - Class B Filing Fee (\$140.00) Paid for: Spiess & Bell PC - By Integrated Resource Systems IN
11. 10-Nov-2014 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Amended Judgment filed 11/3/14)
12. 10-Nov-2014 FILED: Appellant's Notice of Filing Amended Judgment; Certificate of Service; Amended Judgment (Appellant)
13. 7-Jan-2015 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service; (Appellant's Opening Brief) Exhibits 1-3
14. 20-Feb-2015 FILED: Real Party In Interest / Appellee's Motion for Extension of Time to File Reply [sic] Brief; Certificate of Service (Real Party in Interest)
15. 20-Feb-2015 FILED: Answering Brief of Defendants/Appellees City of Phoenix, Board of Adjustment, Bob Ford, Emilio Gaynor, Patrick Paul, Alex Tauber, Yvonne Hunter, Bettina Nava, and Emily Ryan; Certificate of Compliance; Certificate of Service
16. 23-Feb-2015 ORDERED: Real Party In Interest / Appellee's Motion for Extension of Time to File (Answering) Brief = GRANTED. Due date EXTENDED from Monday, 02-23-2015 to Monday, 03-09-2015. Melina Brill ProTem Judge - Author
17. 9-Mar-2015 FILED: Real Party In Interest / Appellee's Answering Brief; Certificate of Compliance; Certificate of Service re: Real Party In Interest / Appellee's Answering Brief
18. 10-Mar-2015 FILED: Real Party In Interest / Appellee's Request for Oral Argument; Certificate of Service Re: Real Party In Interest / Appellee's Request for Oral Argument (Real Party in Interest)
19. 13-Mar-2015 FILED: Phoenix Appellees' Request for Oral Argument; Certificate of Service Phoenix Appellees' Request for Oral Argument (Appellee)
20. 16-Mar-2015 FILED: Appellant's Motion for a 14 day Extension of time to file Reply brief to City of Phoenix's Answering Brief; Certificate of Service (Appellant)
21. 17-Mar-2015 ORDERED: Appellant's Motion for a 14 day Extension of time to file Reply brief to City of Phoenix's Answering Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 03-17-2015 to Tuesday, 03-31-2015. Barbara Vidal Vaught ProTem Judge - Author

Court of Appeals, Division One**Civil Appeal****1 CA-CV 14-0500****PAWN 1ST v. PHOENIX et al.****49 PROCEEDING ENTRIES**

22.	31-Mar-2015	FILED: Appellant's Motion for a 7 Day Extension of Time to File Reply Brief to City of Pheonix's Answering Brief; Certificate of Service (Appellant)
23.	31-Mar-2015	FILED: Appellant's Amended Motion for a 7 day Extension of Time to File Reply Brief to City of Phoenix's Answering Brief; Certificate of Service (Appellant)
24.	2-Apr-2015	ORDERED: Appellant's Amended Motion for a 7 day Extension of Time to File Reply Brief to City of Phoenix's Answering Brief (Appellant)= GRANTED. Due date EXTENDED from Tuesday, 03-31-2015 to Tuesday, 04-07-2015 Melina Brill ProTem Judge - Author
25.	6-Apr-2015	FILED: Appellant's Motion for a 30 day Extension of Time to File its Reply Brief to Real Party-in-Interest Jachimek's Answering Brief; Certificate of Service (Appellant)
26.	7-Apr-2015	FILED: Appellant's Reply Brief to the Appellee City of Phoenix's Answering Brief; Certificate of Compliance; Certificate of Service; (Attachment 1) City of Phoenix Zoning Process Guide (Appellant)
27.	7-Apr-2015	ORDERED: Appellant's Motion for a 30 day Extension of Time to File its Reply Brief to Real Party-in-Interest Jachimek's Answering Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 04-07-2015 to Thursday, 05-07-2015. Melina Brill ProTem Judge - Author
28.	6-May-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
29.	7-May-2015	FILED: Appellant's Reply Brief to Real Party-in-Interest/Appellee's Answering Brief; Certificate of Compliance; Certificate of Service
30.	15-May-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
31.	19-May-2015	ORDERED: granting requests Oral Argument. Hon Diane M Johnsen - Author
32.	28-Sep-2015	FILED: Notice of Change of Address; Certificate of Service (Appellant)
33.	5-Nov-2015	FILED: Notice of Oral Argument
34.	10-Nov-2015	CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 12-2-15, 10:15 am, COURTROOM 2.
35.	16-Nov-2015	FILED: Return Receipt for Notice of Oral Argument signed by Paul Li dated 11/6/15 (Appellees)
36.	25-Nov-2015	FILED: Certificate Of Service Re: Real Party In Interest/Appellee's Return Receipt For The Notice Of Oral Argument (Signed by James Bell on 11/05/15) (Appellee)
37.	2-Dec-2015	FILED: Sign-in Sheet/Case is Under Advisement (Dept E)
38.	3-Dec-2015	ORDERED: supplemental briefs be filed addressing "district" Board was required to consider evaluating variance application and whether evidence before Board focused on appropriate property comparisons. Supplemental briefs shall be filed simultaneously, no later than 12/23/15, and shall not exceed 15 pages in length. Hon Margaret H Downie - Author
39.	23-Dec-2015	FILED: Stipulated Motion for Extension of Time (Supplemental Brief); Certificate of Service Stipulated Motion for Extension of Time (Real Party in Interest)
40.	5-Jan-2016	ORDERED: Extending the time to file the simultaneous supplemental briefs to/including 1/6/16; the briefs shall not exceed fifteen pages in length. Hon Patricia A Orozco - Author
41.	5-Jan-2016	FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
42.	6-Jan-2016	FILED: Supplemental Brief of Defendants/Appellees City of Phoenix, Board of Adjustment, Bob Ford, Emilio Gaynor, Patrick Paul, Alex Tauber, Yvonne Hunter, Bettina Nava, and Emily Ryan; Certificate of Compliance re: Supplemental Brief of Defendants/Appellees City of Phoenix, Board of Adjustment, Bob Ford, Emilio Gaynor, Patrick Paul, Alex Tauber, Yvonne Hunter, Bettina Nava, and Emily Ryan; Certificate of Service re: Supplemental Brief of Defendants/Appellees City of Phoenix, Board of Adjustment, Bob Ford, Emilio Gaynor, Patrick Paul, Alex Tauber, Yvonne Hunter, Bettina Nava, and Emily Ryan (Appellee Phoenix et al)
43.	6-Jan-2016	FILED: Real Party In Interest/Appellee's Supplemental Brief; Real Party In Interest/Appellee's Certificate Of Compliance; Certificate Of Service Re: Real Party In Interest/Appellee's Supplemental Brief (Real Party in Interest Jachimek)

Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0500

PAWN 1ST v. PHOENIX et al.

49 PROCEEDING ENTRIES

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| 44. | 12-Apr-2016 | OPINION (Reversed, Remanded) Hon Patricia A Orozco - Author; Hon Margaret H Downie - Concur; Hon Maurice Portley - Concur |
| 45. | 12-Apr-2016 | FILED: Opinion Distribution List |
| 46. | 13-May-2016 | FILED: Email Notice from ASC re: Petition for Review filed 5/12/16; request for partial record |
| 47. | 13-May-2016 | FILED: Letter forwarding partial record to Arizona Supreme Court |
| 48. | 13-Dec-2016 | FILED: Letter from ASC, 12/13/2016, re: Petition for Review GRANTED on 12/13/2016; Appellant's Cross-Petition for Review DENIED on 12/13/2016 |
| 49. | 23-Dec-2016 | FILED: Copy of Letter forwarding complete record to ASC |